

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Frankie Edward Kimberlin, Jr.

Docket No. 5:11-CR-50-1F

Petition for Action on Supervised Release

COMES NOW Erica W. Foy, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Frankie Edward Kimberlin, Jr., who, upon an earlier plea of guilty to 21 U.S.C. § 841(a)(1) and (b)(1)(A), Conspiracy to Possess with Intent to Distribute Cocaine, was sentenced by the Honorable William L. Osteen, Sr., U.S. District Judge in the Middle District of North Carolina, on January 25, 1993, to the custody of the Bureau of Prisons for a term of 230 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall perform 100 hours of community service during each year of supervised release in such endeavors as directed by the probation office.
2. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.

Frankie Edward Kimberlin, Jr. was released from custody on July 1, 2009, at which time the term of supervised release commenced. On March 3, 2011, jurisdiction was transferred to the Eastern District of North Carolina.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR
CAUSE AS FOLLOWS:**

Mr. Kimberlin has been on Supervised Release for over two years. He has worked at the same job and lived with his daughter for the entire period of supervision. He has completed his community service hours each year. As such, the probation office would like to remove the annual community service requirement so that he may be eligible to be considered for low intensity supervision. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

Frankie Edward Kimberlin
Docket No. 5:11-CR-50-1F
Petition For Action
Page 2

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The condition requiring the defendant to perform 100 hours of community service during each year of supervised release as directed by the probation office shall be removed.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/Jeffrey L. Keller
Jeffrey L. Keller
Supervising U.S. Probation Officer

/s/Erica W. Foy
Erica W. Foy
U.S. Probation Officer
310 New Bern Avenue, Room 610
Raleigh, NC 27601-1441
Phone: (919) 861-8660
Executed On: October 28, 2011

ORDER OF COURT

Considered and ordered this 31st day of October, 2011, and ordered filed and made a part of the records in the above case.

James C. Fox
James C. Fox
Senior U.S. District Judge